

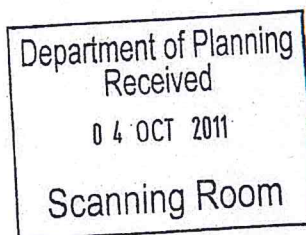


PCU026596



09505  
29 September 2011

Mr Ben Eveleigh  
Department of Planning and Infrastructure  
Po Box 39  
SYDNEY NSW 2000



Dear Mr Eveleigh

**RE: PART 3A APPLICATION – WET'N'WILD SYDNEY**

I refer to your request for a response to the issues raised in submissions from NSW Government agencies and Blacktown City Council on the Preferred Project Report for the Wet'n'Wild Sydney Part 3A project.

JBA Planning Consultants Pty Ltd has prepared this response on behalf of the proponent Prospect Aquatic Investments Pty Ltd. Our response to the matters raised in each of the submissions is provided below.

**1 RTA SUBMISSION**

**Monetary contribution for roads**

The RTA submission states the following in the second paragraph:

*I wish to confirm that the monetary contribution of funds to the State Government is a contribution towards the upgrade of State road works. The RTA has previously advised Treasury that it would not seek the provision of the state road works as a condition of consent. However, there may be a need to condition local road works directly attributable to the development such as upgrading the intersection of Reconciliation Road / Reservoir Road to traffic signals.*

As mentioned in the PPR and subsequent meetings and correspondence between the proponent and Mr Chris Wilson at the Department, the proponent advises that their obligation for road works associated with the proposed development is fulfilled by the following:

- a monetary contribution for roadworks in the amount of \$5.2 million which forms part of the lease agreement for the land; and
- construction of approximately 400m of Reservoir Road to full road width with traffic islands, kerb and gutter, bus stops, a drainage system which at present is not operational, and new signalised intersection with the proposed access road all with an estimated value of approximately \$2 million.

The proponent does not agree with the RTA's assertion in its latest submission that the monetary contribution is towards the upgrade of State roads only, and further conditions for local road works directly attributable to the development may be needed. The proponent advises that there is no agreement or correspondence with the RTA or any other NSW Government body limiting the contribution to State roads only, and such an assertion is incongruous with the executed lease agreement between the proponent and the NSW Government's Western Sydney Parklands Trust. The lease agreement defines the contribution as 'Road Contribution', and defines the 'Road Works' as follows:

*"Road Works means works to be identified and undertaken by RTA to relieve traffic congestion on roads in the vicinity of the Site, including proposed upgrade works to the M4/Prospect Highway interchange."*

The proponent maintains that the significant road contribution of \$5.2million dollars is for all road works in the vicinity of the site which is consistent with the lease agreement, and there has been no agreement or understanding that the monetary contribution is to be limited to State roads only.

In response to the suggestion in the RTA submission that the intersection of Reconciliation Road / Reservoir Road may need upgrading to traffic signals, the supplementary transport report in the PPR shows this intersection performing at a good Level of Service A with the development in 2021 for all time periods, and traffic signals are therefore not necessary.

#### **Traffic Distribution**

Item 1 of the RTA submission notes that the directional signage plans (as submitted with the Part 3A Application EAR Appendix D – Access and Directional Signposting Strategy) does not align with the proposed traffic distribution, and these signage plans are to be considered at this stage to complement the traffic assessment. In response, the proponent now proposes to withdraw the Access and Directional Signposting Strategy in Appendix D of the EAR from the Part 3A Application, and have the details of directional signposting addressed through conditions of approval requiring it to be resolved at later stage with the RTA.

#### **Intersection Analysis**

Item 2 of the submission notes that the RTA has not received a hard or soft copy of the SIDRA modelling. The proponent's transport and traffic consultant Arup has confirmed that RTA has now been sent the modelling and acknowledged receipt of it on 16 September 2011.

#### **Site Access Intersection Design**

Item 3 of the RTA submission requests turn paths be submitted of a 14.5 metre coach turning right from the proposed right turn bay into the site. These turn path drawings are enclosed.

Item 4 of the RTA submission requests that the proponent discuss the potential for, and location of, bus bays at the proposed traffic control signals on Reservoir Road, and if installation is necessary, include it as a condition of approval. We confirm that the proposed intersection and road works on Reservoir Road include bus bays in the Part 3A Application, and the proponent has no objection to a reasonable condition of approval requiring these bus bays.

#### **Pedestrian and Cycle**

Item 5 of the RTA submission requests that a shared pedestrian and cycle path along Reservoir Road be provided between the attraction's entrance and pathway alongside Reconciliation Road, and be designed to the satisfaction of Blacktown City Council. In response, the proponent maintains that its road contribution made as part of the terms of its lease agreement with the NSW Government satisfies the proponent's obligations in relation to all road access paths as described above in this letter.

Item 6 of the RTA submission requests that appropriate crossings for cyclists and pedestrians be provided across Reservoir Road linking to the existing bicycle routes through Prospect Picnic grounds and into Picrite Close opposite the site to the satisfaction of Blacktown and Holroyd Councils as appropriate. In response, the proponent advises that the proposed signalised intersection can accommodate a pedestrian cyclist crossing on Reservoir Road, and has no objection to a reasonable condition of approval to this effect.



## Signage

Item 7 of the RTA submission requests that the proposed signage layout be forwarded to the Tourist Attraction Signposting Assessment Committee (TASAC) for assessment, and once deemed eligible by TASAC, the RTA will assess and determine the design and location of signs. The proponent has no objection to a reasonable condition of approval to this effect.

## 2 HERITAGE BRANCH SUBMISSION

Items 1 and 2 of the submission note the response in the PPR to the previous comments made by Heritage Branch on the exhibition of the Part 3A Application.

Item 3 of the submission proposes that consideration be given to additional planting along the western edge of the carpark. The proponent has no objection to a reasonable condition of approval to this effect.

Item 4 of the submission states that the size and location of the 'V' sign adjacent to the car park on Reservoir Road should not detract from the view corridor between St Bartholomew's Church and Reservoir Road. The proponent has no objection to a reasonable condition of approval to this effect.

Item 5 of the submission requests that further revisions be made to the Statement of Heritage Impact. A revised Statement of Heritage Impact is enclosed as requested.

## 3 OFFICE OF ENVIRONMENT AND HERITAGE SUBMISSION

Point 1 of the submission states that OEH does not consider the impact of noise and light on significant fauna has been adequately addressed. The proponent's consultant Ecological Australia advises that the impact of noise and light on significant fauna has been adequately addressed in the Part 3A Application EAR and PPR.

Point 1 of the OEH submission also raises concerns over the impact of water runoff from the site into the Prospect Reservoir to the south. We confirm that the whole site drains to the north away from Prospect Reservoir and therefore there will be no impact from site runoff into the Reservoir. The location of the intersection and upgrade works proposed for Reservoir Road drains partially to the south into the Prospect Reservoir catchment, however the impact of these works will be adequately mitigated and minimal due to the implementation of a construction management plan including erosion and sediment control measures in accordance with the Statement of Commitments.

Point 2 of the submission states that OEH does not consider that groundwater impacts have been adequately addressed, and in particular impacts on the Cumberland Plain Woodland (CPW) adjacent to the proposed wetland. As noted in the Part 3A Application EAR, the project engineers have confirmed that the groundwater will not be significantly impacted due to their water cycle management plan which includes the stormwater detention pond being lined with an impervious membrane to eliminate infiltration of groundwater. In these circumstances, we conclude that there will be no change to the groundwater of such significance as to have a significant impact on the survival of CPW remaining on the site.

Point 3 of the submission questions the adequacy of implementing a Vegetation Management Plan (VMP) for only 5 years. The proponent has no objection to a condition of approval requiring the VMP to be implemented for a 10 year period.

Point 3 of the submission also questions the adequacy of the offset measures for CPW including the adequacy of a replanting ratio of 2:1, and recommends the use of the offsetting tool in the BioBanking Assessment Methodology (BBAM). The proponent's ecological consultant Ecological Australia advises that the BBAM method and tool has never been required in the DGRs or DECC submissions, and is unwarranted due to the relatively poor condition of the CPW, the relatively small area of CPW being removed, and their assessment concluding that the development will not have a significant impact on CPW. In these circumstances, the use of the BBAM to determine an offset is unwarranted.



**Point 4** of the submission states that retention and regeneration areas within the asset protection zones (APZs) should not be considered as offsets for the proposal. As mentioned above, the CPW being removed is in a relatively poor condition and being replaced with additional areas of planting and regeneration of a higher quality that is managed in accordance with a VMP. The requirement for an offset in accordance with the BBAM method is not warranted in this case.

**Point 5** of the submission states that landscaping principles have not been amended in line with OEH's previous comments so that conservation is included as a key principle in the landscape plans. OEH's previous comments on the landscape plans have been taken into account in the PPR via changes to the Statement of Commitments requiring selection of woodland species to be determined in the VMP to be prepared in consultation with OEH.

**Point 6** of the submission states that OEH does not agree to being consulted in the preparation of the VMP as proposed in the Statement of Commitments. The proponent has no objection to a condition of approval to this effect.

We believe that the Part 3A Application EAR and PPR prepared with specialist reports and advice from Ecological Australia adequately address the biodiversity issues in accordance with the DGRs and relative significance of the CPW impacts. If the Department believes there are still outstanding biodiversity issues, then we would request a meeting with the Department, OEH, the proponent, Ecological Australia and JBA Planning to resolve the outstanding issues promptly.

#### **4 BLACKTOWN CITY COUNCIL SUBMISSION**

##### **Heritage**

The Council submission requests that a condition of approval be imposed requiring works to be halted if any potential relics are unearthed and for these relics to be reviewed by a consultant archaeologist. The submission also requests an additional statement of commitment be made addressing the management of potential archaeological finds. The proponent has no objection to a condition of approval being imposed to this effect and believes there is no need for an additional statement of commitment duplicating the condition of approval.

##### **Parking**

The Council submission requests that a total of 2,200 parking spaces be provided for the future expansion stages. The proponent and traffic engineer Arup have estimated the parking demand at 1,850 car spaces for all stages based on parking demands in existing theme parks and taking into account the particular context and circumstances of Wet'n'Wild Sydney. In order to address this issue of Council, the proponent has no objection to a condition of approval requiring the Operational Transport and Traffic Management Plan in the Statement of Commitments to include a review of parking demand.

##### **Traffic**

The Council submission states that if it is not possible for monetary contributions paid by the developer to be used to upgrade Reservoir Road, then Council objects to the any approval being granted that does not provide a condition requiring the upgrade of Reservoir Road by the developer. This matter is addressed above in this letter under the heading of the RTA Submission.

##### **Draft Conditions**

The proponent raises no objection to the draft conditions recommended in Council's submission except for the following conditions:

**Condition No 1.2.3** proposes that a separate Development Application (DA) be lodged for demolition of existing buildings on the site. This is not accepted by the proponent as the Part 3 Application has always sought approval for demolition as described in the Preliminary EAR and final EAR. Therefore, we request that any requirements or standards for demolition be specified in a condition of approval without needing to lodge another DA. These requirements for demolition are specified in Condition 1.7.1, and therefore we request that Condition 1.2.3 be omitted.



**Condition No 1.3.2** proposes that Council's separate approval is required for ancillary development including tree removal, fencing, retaining wall, land excavation or filling, advertising signs, and demolition. This is not accepted by the proponent as the Part 3 Application seeks approval for these components of the development. Therefore, we request that this condition be omitted.

**Condition No 1.4.1** proposes that the approval remain valid for 2 years. We propose that the approval remain valid for 5 years.

**Condition No 2.1.1** proposes that an unspecified area of land is not to be used for any purpose without the prior separate approval of Council. This is unclear and not consistent with the Part 3A Application, and we request that Condition 2.1.1 be omitted.

**Condition No 4.1.2** (drafted as 4.4.2) proposes an additional statement of commitment be made addressing the management of potential archaeological finds. The proponent believes there is no need for an additional statement of commitment, and proposes that any such requirement be addressed in a reasonable condition of approval (which is already included in Condition 8.1).

**Condition No 4.2.4** proposes a total of 2,200 parking spaces be provided for the future expansion stages. The proponent and traffic engineer Arup have estimated the parking demand at 1,850 car spaces for all stages based on parking demands in existing theme parks and taking into account the particular context and circumstances of Wet'n'Wild Sydney. In order to address this issue of Council, we propose that this condition be amended to require the Operational Transport and Traffic Management Plan in the Statement of Commitments include a review of parking demand when the plan is prepared within 6 months of the park opening.

**Condition No 5.10.3** states that all trees on the site are to be retained. We request that this condition be omitted as the Part 3A Application proposes the removal of some trees.

**Condition No 5.14.1.1** proposes the construction of Reservoir Roads and Watch House Road to certain widths, lengths and traffic loading. We request that this condition be omitted as the proponent's obligations towards road works are described above in this letter under the heading of the RTA Submission.

**Condition No 5.14.2** proposes conditions relating to on-site stormwater detention system. We request that any such condition exclude any requirement for a stormwater concept to be the subject of a DA or Section 96 Application to Council as the Part 3A Application already includes a stormwater management concept plan.

**Condition No 5.14.5** proposes various requirements for footpaths and cycle paths. The proponent requests that this condition be omitted as the proponent's obligations towards access paths are satisfied by the monetary contribution for roads and the proposed intersection upgrade to Reservoir Road as described above in this letter under the heading of RTA Submission.

**Condition No 11.1** proposes that the former Policeman's cottage and Reservoir Road be listed as heritage items in the SEPP (western Sydney Parklands) 2009 prior to occupation certificate. We request that this condition be omitted as the listing would be a matter for determination by the Department and Minister, and it is not reasonable or valid as a condition of approval given such a heritage listing is beyond the control of the proponent.

**Condition No 11.2** proposes to require the consolidation of lots into one title. This condition is not relevant and should be omitted as the site is already one allotment.

**Condition No 11.9.3** proposes payments of bonds, securities in lieu of engineering works. We request that this condition be omitted as it is a standard condition applying to engineering works that are to be dedicated to Council in subdivisions, and is not relevant to engineering works on this site which are to be maintained as private land.

## 5 SYDNEY WATER SUBMISSION

### Environmental Management

The Sydney Water submission suggests that there should be a link from the Phase 2 ESA findings to the PPR and Construction Environmental Management Plan. The proponent has no objection to a reasonable condition of approval to this effect.

### Sydney Water Servicing

The Sydney Water submission requests that the proponent be instructed to obtain a Section 73 certificate from Sydney Water at which time Sydney Water will further assess the development and determine any works required which are to be funded by the proponent. The proponent has no objection to a reasonable condition of approval to this effect.

## 6 NSW 2021

In response to your request, our assessment of the consistency of the development against the objectives of the new state plan NSW 2021 is attached below.

## 7 CONCLUSION

We trust that this PPR Addendum addresses the issues raised in the submissions and in the new State plan NSW 2021, and is sufficient for a prompt assessment and determination of the Part 3A Application for Wet'n'Wild Sydney. If you have any further queries, please contact me on Ph.9409 4914 or [awilson@jbaplanning.com.au](mailto:awilson@jbaplanning.com.au).

Yours sincerely



Andrew Wilson  
*Associate*

Encl.

- Right turn path drawing
- Revised Statement of Heritage Impact